REOPEN PROSECUTION

1. In view of the appeal brief filed on January 18, 2011, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

2. Claims 1-19, 21-23, and 25-37 remain for further examination.

The new grounds of rejection

3. Applicants' arguments with respect to claims 1-19, 21-23, and 25-37 filed on January 18, 2011 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103(a)

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Aldous et al (U.S. Patent No. 6,654,722) in view of Sutton et al (U.S. Patent No. 6,539,354).

6. As to claim 1, Aldous et al teach a method of modifying content data (audio data) transmitted from a first computer (gateway server) to a second computer (speech server) over a bi-directional communications network (see abstract; and figure 1) comprising: specifying content data output characteristics to be associated with the content data upon output by the second computer (column 2 lines 52-64, speech server output VoIP-compliant packets with digitized audio data); transmitting the content data

from the first computer to the second computer over the bi-directional communications network (column 2 lines 34-52, gateway server transmit compressed digitized audio data to a speech application in the speech server); and altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer (figures 1-3; column 5 lines 20-46; column 6 lines 28-39; and column 7 lines 13-40), the altering includes converting an input component of the content data (audio data) to text data through a voice recognition process (figure 3, and column 7 lines 28-33), the text data being processed into converted text data, and the converted text data being synthesized into audio data (figure 3, and column 34-40).

However, Aldous et al do not teach that the output characteristics identifying an expression to be applied to the content data and the converted text data being synthesized into audio data that includes the applied expression that does not perform language translation.

Sutton et al teach that the output characteristics identifying an expression to be applied to the content data (selection of character by expressions, emotions, and voice characteristics) and the converted text data being synthesized (speech synthesis) into audio data (voice output lipsync) that includes the applied expression that does not perform language translation (figure 3, and column 20 lines 4-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sutton et al stated above in the method of Aldous et al for identifying an expression to be applied to the content data

because it would have provided the system for generating realistic synthetic visual speech and providing realistic synthesized audio data to improve speech communication between two computers.

7. As to claim 2, Aldous et al teach the steps of: receiving the content data in the first computer (gateway server); and outputting the altered content data from the second computer (speech server) (figure 1; and column 2 lines 45-64).

8. As to claim 3, Aldous et al teach that the content data output characteristics include location information (IP addresses) of the first and second computers, the location information affects the altering of the content data (figure 1; column 5 lines 27-33; and column 7 lines 13-27).

9. As to claims 4-5, Aldous et al teach that the received content data comprises voice data input into the first computer (figure 1; and column 2 lines 45-52); and the altered content data being transmitted for output through speakers (telephony module) coupled to the second computer (figure 3; and column 7 lines 53-63).

10. As to claim 6, Sutton et al teach that the content data output characteristics include at least one of character gender, character condition, character environment, and language (column 17 lines 6-17; and column 20 lines 32-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sutton et al stated above in the method of Aldous et al for identifying a user because it would have provided the system for generating realistic synthetic visual speech and providing realistic synthesized audio data to improve speech communication between two computers.

11. As to claims 7-8, Aldous et al teach that the content data output characteristics are defined by input received by the first computer through a user interface (figure 2; and column 5 lines 59-64); and the content data output characteristics are defined by input received by the second computer through a user interface (figure 3; and column 7 line 53 to column 8 line 10).

12. As to claim 9, Sutton et al teach that the content data output characteristics are stored in a database residing in memory storage coupled to the second computer (figure 7; and column 17 line 58 to column 18 line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sutton et al stated above in the method of Aldous et al for storing the content data output characteristics because it would have increased the latency of the system.

13. As to claim 11, Aldous et al teach that the first and second computers (servers) are coupled to audio speakers (telephone devices), and wherein the content data output

characteristics comprise an audio output ratio for outputting content data from the audio speakers (figure1; column 5 lines 20-46; figure 3; and column 7 line 53 to column 8 line 10).

14. As to claims 12-13, Aldous et al teach that the location information (IP addresses) for the first and second computers are respectively obtained from the first and second computers and determined by the physical location (device residing in the VoIP network) of the first and second computers (figure 1; column 5 lines 27-33; and column 7 lines 13-27).

15. As to claim 10, they are also rejected for the same reasons set forth to rejecting claims 1-3 above. Additionally, Aldous et al teach that the determining a relative location (IP addresses) of each character in an environment defined by the program; and altering the specific output characteristics of the audio output depending upon the relative location of each character associated with each of the users (figure 1; column 5 lines 27-46; and column 7 lines 13-27).

16. As to claim 31, Aldous et al teach that each of the client computers (telephone devices) includes a left and right speaker pair, and wherein the content data output characteristics comprise a relative audio output ratio for outputting altered content data from the left and fight speakers (figure 1; and column 5 lines 20-46).

17. As to claims 14-19, 21-23, and 25-29, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 14-19, 21-23, and 25-29 are merely an apparatus for the method of operation defined in the claims 1-13 and 31.

18. As to claim 30 it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 30 is merely an apparatus for the method of operation defined in the claim 1.

19. As to claims 32-37, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 32-37 are merely an apparatus for the method of operation defined in the claims 1-13 and 31. Additionally, Sutton et al teach that the claimed invention implemented in the interactive network system and gaming system (column 19 lines 46-65; and column 20 lines 32-67).

Response to Arguments

20. Applicants' arguments with respect to claims 1-19, 21-23, and 25-37 filed on January 18, 2011 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

21. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Additional Reference

22. The examiner as of general interest cites the following reference.

a. Thrift et al, U.S. Patent No. 6,188,985.

Contact Information

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2455

March 28, 2011